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October 3, 2019

District Judge LaShann DeArcy Hall
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: 1:19-cv-01532-LDH-VMS
Jones v. Welch Foods Inc., A Cooperative et al

Dear District Judge Hall:

This office represents the plaintiff. At the initial conference held before your Honor on September 23, 2019, the Court prudently decided to trim certain claims from plaintiff's complaint. The Court further instructed plaintiff to advise it within seven (7) days whether it would be dismissing the express warranty claims prior to defendant's motion to dismiss.

The reasons this letter is provided now instead of by this past Monday is because (1) plaintiff received an ECF notification indicating the action was terminated on Friday, September 27, 2019, (2) plaintiff informed court personnel of this notification and the issue was resolved earlier this week and (3) the holidays which took place earlier this week.

Plaintiff has decided to not dismiss the express warranty claims prior to defendant's motion to dismiss. Thank you for your courtesies.

Respectfully submitted,
/s/ Spencer Sheehan
Spencer Sheehan

Certificate of Service

I certify that on October 3, 2019, I served the foregoing by the method below to the persons or entities indicated, at their last known address of record (blank where not applicable).

	CM/ECF	First-Class Mail	Email
<u>Defendants' Counsel</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

/s/ Spencer Sheehan
Spencer Sheehan